

CITY COUNCIL  
CITY OF WICHITA  
KANSAS

City Council Meeting  
9:00 A.M., August 2, 2005

City Council Chambers  
455 North Main

ORDER OF BUSINESS

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the July 26, 2005 regular meeting

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AWARDS AND PROCLAMATIONS

- Proclamations

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PUBLIC AGENDA

- 1. Phil Ray-Discussion regarding the public golf courses.

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CONSENT AGENDA

- 2. Report of the Board of Bids and Contracts Dated , August 1, 2005.  
RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

- 3. Application for Licenses.

Renewal Adult Entertainment

David A. Cherry      Kansas Video Corp d/b/a Video Adventures      2726 North Amidon

4. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New Operator</u>	<u>2005</u>	<u>(Consumption on Premises)</u>
Marijo Taylor	Taco Tico Operations, Inc.*	3131 North Rock Road

RECOMMENDED ACTION: Approve licenses subject to Staff review and approval.

5. Preliminary Estimates:

- a) Kellogg (US 54)/Rock Road Interchange, Misc. Improvements along north frontage road near Bonnie Brae Street, north of Kellogg, east of Rock Road. (472-84236/702344/702344) Does not affect existing traffic. (District II)-\$60,000
- b) 2005 Sanitary Sewer Reconstruction, Phase 7 to serve Planeview Addition - east of Roosevelt, north of Roseberry. (468-84036/620436/665556). Traffic to be maintained during construction using flagpersons and barricades. (District III)-\$245,000
- c) Water Distribution System to serve Regency Park Third Addition - south of 29<sup>th</sup> Street North, west of Greenwich. (448-90089/735265/470936). Does not affect existing traffic. (District II)-\$24,000
- d) Water Distribution System to serve Hawthorne Third Addition, north of 21<sup>st</sup> Street North, east of 127<sup>th</sup> Street East. (448-89995/735262/470933). Does not affect existing traffic. (District II)-\$56,000
- e) Lateral 6, Main 12 Four Mile Creek Sewer to serve Hawthorne Third Addition, north of 21<sup>st</sup> Street North, east of 127<sup>th</sup> Street East. (468-83873/744129/480817). Does not affect existing traffic. (District II)-\$116,000
- f) Lateral 45 Cowskin Interceptor Sewer to serve Southern Ridge Third Addition, south of Pawnee, west of Maize. (468-83965/744128/480816). Does not affect existing traffic. (District V) \$96,835
- g) Water Distribution System to serve Southern Ridge Third Addition, - south of Pawnee, west of Maize) (448/90052/735261/470932). Does not affect existing traffic. (District V)-\$45,000
- h) Storm Water Drain #264 to serve Avalon Park Addition, - north of 37<sup>th</sup> Street North, east of Maize. (468-84011/751401/485292). Does not affect existing traffic. (District V)-\$158,100
- i) Storm Water Drain #265 to serve Avalon Park Addition (north of 37<sup>th</sup> Street North, east of Maize) (468-84012/751402/485293). Does not affect existing traffic. (District V)-\$212,300

RECOMMENDED ACTION: Receive and file.

6. Deeds and Easements:

- a) Utility Easement dated June 15th, 2005 from Mona Stein, Operating Partner, Dinning-Beard Investment Group, L.L.C. over a tract of land lying in parts of Reserve "A", Lot 1, Lot 2, and Lot 4, all in Block 1, The Executive at White Tail Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- b) Utility Easement dated May 27th, 2005 from Unified School District 259 over a tract of land lying in Lot 1, Block E, Orient Industrial Addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- c) Utility Easement dated May 27th, 2005 from Unified School District 259 over a tract of land lying in Lot 1, Planeview School Addition, an addition to Wichita, Sedgwick County, Kansas, (OCA# 607861). No Cost to City.
- d) Amended and Restated Utility Easement from NewMarket Square, LTD dated June 17th, 2005 over tracts of land lying in Lot 1, Block 1, NewMarket Square, an Addition to Wichita, Sedgwick County, Kansas, (OCA 607861). No Cost to City
- e) Drainage Easement dated July 8th, 2005 from Presbyterian Manors, Inc., over a portion of Lot 1 of Synod Addition to Wichita, Sedgwick County, Kansas (OCA# 660508) No Cost to City.

RECOMMENDED ACTION: Accept documents.

7. Minutes of Advisory Boards/Commissions:

Housing Advisory Board, May 18, 2005  
District III Advisory Board, June 1, 2005  
Wichita Employees' and Police & Fire Retirement Board, June 2, 2005  
Board of Code Standards and Appeals, June 6, 2005  
Wichita Airport Advisory Board, June 6, 2005  
Wichita Employees' and Police & Fire Retirement Board, special joint investment committee, June 13, 2005  
Board of Park Commissioners, June 13, 2005  
Board of Electrical Appeals, June 14, 2005  
District II Advisory Board, June 20, 2005  
Wichita Public Library, monthly report, June 2005  
Design Council, July 21, 2005

RECOMMENDED ACTION: Receive and file.

8. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

9. Settlement of Lawsuit, Garver Construction v. City of Wichita, PEC and Allied Labs.

RECOMMENDED ACTION: Approve the settlement and authorize the Payment of the contract retainage to the Plaintiff (approximately \$212,000) and such Additional sum (approximately \$88,000) As necessary to make the total payment to The plaintiff equal \$300,000.

10. Agreements/Contracts:

- a) Gould Evans to develop the Arena Neighborhood Redevelopment Plan. (District I)
- b) Staking in Woodland Lakes Estates Third Addition, south of Lincoln, west of 127<sup>th</sup> Street East. (District III)-supplemental.
- c) Construction Engineering and staking in Avalon Park Addition, north of 37<sup>th</sup> Street North, east of Tyler. (District V)-supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

11. Design Services Agreements:

- a) Fox Ridge Addition, north of 29<sup>th</sup> Street North, west of Tyler. (District II)
- b) Hawthorne Third Addition, north of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)
- c) North Ridge Village Addition, north of 37<sup>th</sup> Street North, west of Ridge. (District II)
- d) Reed's Cove Addition, south of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)
- e) Avalon Park and Avalon Park Third Additions, north of 37<sup>th</sup> Street North, east of Tyler. (District II)
- f) McEvoy and East Lynne Additions, south of Harry, west of 127<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

12. Change Orders:

- a) Change Order and Westar Energy Company Payment: Hoover Road Improvement, south of 31<sup>st</sup> Street South to Harry. (District IV)
- b) Sewage Treatment Plant Modifications-Change Order.

RECOMMENDED ACTION: Approve the Change Orders and authorize the necessary signatures.

13. Partial Acquisition of 1129 North Main as a portion of the Abandoned Union Pacific Rail Corridor for the Midtown Greenway. (District VI)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize necessary signatures.

14. Repair or Removal of Dangerous & Unsafe Structures. (Districts I and VI)

<u>Property Address:</u>	<u>Council District:</u>
a. 305 North Madison	I
b. 1304 North Piatt	I
c. 1308 North Piatt	I
d. 1308 ½ North Piatt	I
e. 2821 East 13 <sup>th</sup> Street North	I
f. 1858 North Pennsylvania	I
g. 2444 North Minnesota	I
h. 2234 North Shelton	VI

RECOMMENDED ACTION: Adopt the resolutions to schedule a hearing and place these matters on the agenda for a Hearing before the Governing Body on September 13, 2005 at 9:30 a.m. or as soon thereafter.

15. Expense for Senior Management for Month of June 2005.

RECOMMENDED ACTION: Receive and file.

16. Nuisance Abatement Assessments.

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

17. Online Auction of Unclaimed Police Property-Selection of Vendor.

RECOMMENDED ACTION: Approve the contract with Property-Room.com and authorize the necessary signatures.

18. Resolution considering the adoption of a Redevelopment Project Plan, Power CDC Grocery Store Project. (District I)

RECOMMENDED ACTION: Adopt the Resolution declaring its intent to consider adoption of a redevelopment project plan for the Power CDC Grocery Store Project and setting September 13, 2005 as the date for a public hearing on the matter.

19. Combine Adjacent Projects. (District II)

RECOMMENDED ACTION: 1) Approve combining the projects into W-847; 2) adopt the amended Resolution and 3) authorize the necessary signatures.

20. Application for Economic Development Initiative Funds. (Districts I and VI)

RECOMMENDED ACTION: Approve the HUD Economic Development Initiative (EDI) grant application and authorize the necessary signatures.

21. 2006 Victims of Crime Act, (VOCA) Grant.

RECOMMENDED ACTION: Approve the grant application; authorize the necessary signatures and approve any necessary budget transfers.

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UNFINISHED BUSINESS

22. CON2005-11-Conditional Use to permit a wrecking/salvage yard on property zoned General Industrial and located north of 29<sup>th</sup> Street North and west of Ohio. (District VI)  
(deferred July 19, 2005)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and deny the Conditional Use request; or  
2) Return the application to the MAPC for reconsideration.

23. Extend Moratorium on the acceptance of applications for an issuance of land use, building and development permits and business licenses for Adult Entertainment Establishments and directing that further study be conducted on the regulation of such uses.  
(continued from July 26, 2005)

RECOMMENDED ACTION: Approve extension of Moratorium to November 15, 2005.

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NEW BUSINESS

24. 2006 Annual Operating Budget and 2005 Budget Revisions.

The City Council has received the City Manager's Proposed 2006/2007 Budget (including the self-supporting municipal improvement districts, the tax increment financing districts, and revisions to the 2005 Adopted Budget). The Council is receiving public comment at its weekly Council meetings.

RECOMMENDED ACTION: Receive public comment.

25. Advance Refunding of Water and Sewer Utility Revenue Bonds, Series 2005B.

On July 19, 2005, the City Council designated Citigroup to serve as lead underwriter in a negotiated offering of revenue refunding bonds. Since that date, staff has worked to distribute the Preliminary Official Statement and negotiate the details of the sale with the designated lead underwriter.

RECOMMENDED ACTION: 1) Approve the Bond Purchase Agreement and  
2) adopt the Bond Ordinance and Resolution and  
3) authorize the Mayor to execute the Request  
for Declaration of Emergency.

26. City Hall First Floor Remodel. (District VI)

In 1998, the City undertook multi-year plan to renovate City Hall. On May 24, 2005, the City Council approved a contract with SJCF to design the replacement and relocation of the existing emergency generator equipment at City Hall.

RECOMMENDED ACTION: Approve the project; adopt the Resolution;  
approve the contract and authorize the  
necessary signatures.

27. Watershed Protection Plan-Memorandum of Understanding.

On October 3, 2000, City Council approved and authorized Staff to begin implementation of the Concept Design Plan for the Integrated Local Water Supply Plan that would identify cost-effective water resources to adequately meet Wichita's water supply needs to the year 2050.

RECOMMENDED ACTION: 1) Approve the Memorandum of Understanding  
with the McPherson County Conservation District  
and 2) authorize the necessary signatures.

## PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

28. \*ZON2005-25-Zone Change from Single-family Residential to Limited Industrial. Generally located north of Merton Circle and west of Baehr Street. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to the recommended dedications; instruct the Planning Department to forward the ordinance for first reading when the dedications have been recorded with the Register of Deeds; or  
2) Return the application to the MAPC for reconsideration.

29. \*S/D 97-34-Plat of Resthaven Garden of Memory Addition, located on the northeast corner of Kellogg and 119<sup>th</sup> Street West. (District V)

RECOMMENDED ACTION: Approve the plat and authorize the necessary signatures.

30. \*SUB2005-54-Plat of Krug North Second Addition, located north of 21<sup>st</sup> Street North and on the west side of 143<sup>rd</sup> Street East. (District II)

RECOMMENDED ACTION: Approve the documents and plat; authorize the necessary signatures and adopt the Resolutions.

31. \*DED2005-18-Dedication of a Utility Easement, located west of West Street and north of Maple. (District IV)

RECOMMENDED ACTION: Accept the Dedication.

32. \*DED2005-19-Dedication of a Drainage and Utility Easement, located east of Rock Road and south of Pawnee. (District II)

RECOMMENDED ACTION: Accept the Dedication.



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CITY COUNCIL

33     Board Appointments.

RECOMMENDED ACTION:    Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*